

BOARD BILL #71 INTRODUCED BY ALDERMAN JOHN COATAR

AN ORDINANCE, RECOMMENDED BY THE BOARD OF PUBLIC SERVICE, AUTHORIZING THE MAYOR AND THE COMPTROLLER OF THE CITY OF ST. LOUIS TO EXECUTE A PERPETUAL STREETSCAPE EASEMENT, WHICH SHALL GIVE, GRANT, EXTEND AND CONFER ON THE CITY, ITS AGENTS, SUCCESSORS, AND ASSIGNS, THE RIGHT TO CONSTRUCT, MAINTAIN AND REPAIR STREETSCAPE IMPROVEMENTS; APPROVING A PERPETUAL STREETSCAPE EASEMENT AGREEMENT; AUTHORIZING CERTAIN ACTIONS BY CITY OFFICIALS; AND CONTAINING A SEVERABILITY CLAUSE.

WHEREAS, the City of St. Louis, Missouri (the “City” and “Grantee”), is a body corporate and a political subdivision of the State of Missouri, duly created, organized and existing under and by virtue of its charter, the Constitution and laws of the State of Missouri; and

WHEREAS, the Laurel Master Condominium Association, Inc. (“Laurel Condo Association” and “Grantor”) is a political subdivision of the State of Missouri; and

WHEREAS, Grantor is the fee simple owner of property and improvements along certain portions of Washington Avenue subject to a dedicated public right-of-way (“ROW”) more particularly described in Exhibit A, attached hereto and incorporated herein by reference ; and

WHEREAS, the City desires to make certain streetscape improvements within and appurtenant to the ROW that may expand beyond the existing permitted use and scope of the ROW which requires a perpetual easement and license from the Grantor to make said improvements.

1 **BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

2 **SECTION ONE.** The Mayor and the Comptroller of the City of St. Louis are
3 hereby authorized to execute a Perpetual nonexclusive Streetscape Easement, in
4 substantially the form attached hereto as Exhibit “A” and to record same in the land
5 records of the City of St. Louis which shall give, grant, extend and confer to the City, its
6 agents, successors and assigns, the right to construct, maintain and repair improvements
7 including pilasters, architectural haunches, brackets, walls or other supports for
8 streetscape improvements of light poles and tree planters constructed within, upon,
9 beneath, below or appurtenant to an existing right-of-way along Washington Avenue.

10 **SECTION TWO.** The Mayor and Comptroller of the City or their designated
11 representatives are hereby authorized and directed to take any and all actions as may be
12 necessary and appropriate in order to carry out the matters herein authorized, with no
13 such further action of the Board of Aldermen necessary to authorize such action by the
14 Mayor and the Comptroller or their designated representatives.

15 **SECTION THREE.** The Mayor and the Comptroller of the City or their
16 designated representatives, with the advice and concurrence of the City Counselor, are
17 hereby further authorized and directed to make any changes to the documents,
18 agreements and instruments approved and authorized by this Ordinance as may be
19 consistent with the intent of this Ordinance and necessary and appropriate in order to
20 carry out the matters herein authorized, with no such further action of the Board of
21 Aldermen necessary to authorize such changes by the Mayor and the Comptroller or their
22 designated representatives.

1 **SECTION FOUR.** It is hereby declared to be the intention of the Board of
2 Aldermen that each and every part, section and subsection of this Ordinance shall be
3 separate and severable from each and every other part, section and subsection hereof, and
4 that the Board of Aldermen intends to adopt each said part, section and subsection
5 separately and independently of any other part, section and subsection. In the event that
6 any part, section or subsection of this Ordinance shall be determined to be or to have
7 been unlawful or unconstitutional, the remaining parts, sections and subsections shall be
8 and remain in full force and effect, unless the court making such finding shall determine
9 that the valid portions standing alone are incomplete and are incapable of being executed
10 in accord with the legislative intent.

EXHIBIT A

EASEMENT

[Attached hereto]